

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference T44968WO/NZ/sb		FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/DE2004/000849	International filing date (day/month/year) 21.04.2004	Priority date (day/month/year) 23.04.2003	
International Patent Classification (IPC) or national classification and IPC			
Applicant AUDIOTON KABELWERK GMBH ZWEIGNIEDERLASSUNG SCHEINFELD			

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>8</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>1</u> sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>	
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input checked="" type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>	

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I

Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-20 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. 2-16 _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* 1 _____ received by this Authority on 24.02.2005 with letter
- nos.* _____ received by this Authority on of 23.02.2005
- ☒ the drawings:
- sheets 1/10-10/10 _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. IV Lack of unity of invention

1. ☒ In response to the invitation to restrict or pay additional fees the applicant has:
 - ☐ restricted the claims.
 - ☐ paid additional fees.
 - ☐ paid additional fees under protest.
 - ☒ neither restricted the claims nor paid additional fees.
2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is:
 - ☐ complied with.
 - ☐ not complied with for the following reasons:
4. Consequently, this report has been established in respect of the following parts of the international application:
 - ☐ all parts.
 - ☒ the parts relating to claims Nos. 1-13

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	7-9, 13	YES
	Claims	1	NO
Inventive step (IS)	Claims	7-9, 13	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-13	YES
	Claims		NO
2. Citations and explanations (Rule 70.7)			
This report makes reference to the following documents:			
D1: WO 02/091516 A (RISTO ANTERO), 14 November 2002 (2002-11-14)			
D2: DE 93 11 242 U (VOTRONIC ENTWICKLUNG & PROD), 16 September 1993 (1993-09-16)			
D3: WO 98/25323 A (MALDONADO DAVID; QUALCOMM INC (US)), 11 June 1998 (1998-06-11)			
D4: DE 297 23 679 U (WAVETEK GMBH), 24 December 1998 (1998-12-24)			
1.1 The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claim 1 is not novel (PCT Article 33(2)).			
Document D3 discloses (the references in parentheses are to that document):			
a portable radiotelephone fixture (100) for cars for fastening a portable radiotelephone (200) inside a motor vehicle, the portable radiotelephone fixture comprising a housing with a			

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

first moulded portion (see figure 4a) for receiving a portable radiotelephone, an electric interface for connecting an external antenna (304, figure 2A) to the portable radiotelephone fixture, and a coupling antenna (504) electrically connected to the interface for the contactless electromagnetic coupling of H.F. signals between the coupling antenna (504) and the antenna (204) of a telephone set (200) mounted in the portable radiotelephone terminal for cars (see page 7, lines 20-21, of the description). The portable radiotelephone fixture for cars further comprises

- [at least one element (102, 106) for reflecting to the coupling antenna electromagnetic radiation not coupled to the coupling antenna and emitted by the antenna (204) of the portable radiotelephone terminal (200) placed in the fixture] and/or
- [at least one element (102, 106) for absorbing the electromagnetic radiation (it is clear that part of the electromagnetic radiation is absorbed by the "ground plane 102" and that another part is reflected)].

The subject matter of claim 1 is also not novel within the meaning of EPC Article 54(1) and 54(2) over document D1 because the "ground plate 20" will also reflect part of the electromagnetic radiation to the coupling antenna and absorb another part of the electromagnetic radiation.

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1.2 DEPENDENT CLAIMS 2-6, 10-12

Claims 2-6 and 10-12 do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT novelty or inventive step requirements.

1.3 DEPENDENT CLAIMS 7-9, 13

The available prior art neither discloses nor suggests the combination of features in the dependent claims.

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

BOX IV

The different groups of inventions are:

claims 1-13

portable radiotelephone fixture for fastening a portable radiotelephone inside a car, the fixture having an element for reflecting electromagnetic radiation (arrangement of this element in the fixture)

claims 14-16

portable radiotelephone fixture for fastening a portable radiotelephone inside a car, the fixture having an element for reflecting electromagnetic radiation (already known: see search report) and a particular coupling antenna

The search yielded the following prior art document relevant to the assessment of unity of invention:
WO02/091516 (D1).

Document D1 discloses a portable radiotelephone fixture for cars as per claim 1.

A comparison between the present groups of claims and the citation shows that the following features make a contribution over the prior art and therefore can be regarded as special technical features within the meaning

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Supplemental Box

of PCT Rule 13.2:

group I: claims 2-13, arrangement and details of the
reflection element

group II: claims 14-16, coupling antenna.